

### **REMARKS**

The Official Action dated November 2, 2005 has been carefully considered. Accordingly it is believed that the present amendment, the following remarks, and the Declaration under 37 C.F.R. §1.132 place the application in condition for allowance. Reconsideration is respectfully requested.

By the present amendment, the specification is amended to correspond with the original specification and claims. Additionally, claims 1, 2, 10, 13, 16-19, 23, 25, and 28-30 are amended to replace the terms "first side", "first internal", "first external", "second side", "second internal", and "second external" with the terms "front panel", "front inner", "front outer", "back panel", "back inner", and "back outer", respectively, in order to reflect the terminology used in the specification. Claims 1, 2, 19, 25, and 29-30 are also amended for matters of clarity. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, claims 1-6, 10-20, 22, 23 and 25-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner was of the opinion that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

This rejection is traversed and reconsideration is respectfully requested. Applicants submit that the specification as originally filed fully discloses and describes the presently claimed terms in accordance with the requirements of 35 U.S.C. §112, first paragraph.

Initially, applicants note that the terms "first and second sides", "first and second internal surfaces", and "first and second external surfaces" have been omitted from claims 1 and 25. Thus, the Examiner's assertion that the specification fails to describe or support these

terms is moot. Claims 1 and 25 now recite a front panel having a front inner surface and a front outer surface, a back panel having a back inner surface and a back outer surface, and a reservoir disposed between said front outer surface of the front panel and the back inner surface of the back panel. The Examiner's attention is directed to the specification, for example, at page 8, lines 16-25 and Fig. 2, which disclose an embodiment of the applicator which includes a front panel 24 having a front inner surface 32 and a front outer surface 31, a back panel 26 having a back inner surface 34 and a back outer surface 33, and a reservoir 30 disposed between said front outer surface 31 of the front panel 24 and the back inner surface 34 of the back panel 26. Thus, the specification provides a description of the applicator as recited in claims 1 and 25. While, Fig. 2 and the description at page 8 describe an embodiment of the invention comprising a mitt, one of ordinary skill in the art will recognize that the terminology of claims 1 and 25 also encompasses other embodiments of the invention, for example, gloves, pads, wipes, etc., as described throughout the specification.

With respect to claims 2 and 13, applicants submit that the presently amended specification fully describes the fluid-impervious barrier layers recited in these claims. For example, claim 2 recites a first substantially fluid-impervious barrier layer located between said reservoir and said back inner surface of said back panel. The Examiner's attention is directed to the specification at page 22, lines 30-35 and the embodiment of the applicator disclosed in Example 8 and Fig. 53 wherein an applicator in the form of a body cleansing mitt 10 includes a front panel 370 having a front inner surface and a front outer surface, a flexible film reservoir in the form of a dosing pouch 374, a back panel 378 having a back inner surface and a back outer surface, and a barrier film 376 located between the reservoir 374 and the back inner surface of the back panel 378. Thus, the specification and the embodiment of Fig. 53 and Example 8 disclose a substantially fluid-impervious barrier layer located between the reservoir and the back inner surface as recited in claim 2.

Claim 13 recites a second substantially fluid-impervious barrier layer disposed between said first substantially fluid-impervious barrier layer and said back inner surface. In this regard, the Examiner's attention is directed to the specification at page 28, lines 1-6, and the embodiment of Fig. 61 and Example 12. In this embodiment, an applicator in the form of a heavy duty bathroom shower/tub mitt includes a front panel 610 having front inner and outer surfaces, a flexible film dosing reservoir in the form of a dosing pouch 614, a back panel 622 having back inner and outer surfaces, a first substantially fluid-impervious barrier layer 616 located between the flexible film reservoir 614 and the inner surface of the back panel 622, and a second barrier layer 624 in the form of a polyethylene embossed film which prevents a hand in the applicator from getting wet when rinsing the external surface of the back panel 622. The barrier layer 624 is disposed between the first barrier layer 616 and the back panel 622. Thus, the present specification fully describes an applicator having first and second substantially fluid-impervious barrier layers disposed as required by claim 13.

Claims 25 and 30 recite a flow restriction layer disposed between the reservoir and the front outer surface and a flow restriction layer disposed between said reservoir and said front panel, respectively. In this regard, the Examiner's attention is directed to the specification, for example, at page 15, lines 14-17, and Fig. 2, wherein a flow restriction layer is described. Specifically, the fluid flow rate can be accomplished by having a separate (flow restriction) layer or layers between the reservoir 30 and the front outer surface 31 or front panel 24 of the applicator 10 as shown in Fig. 2. A plurality of materials and configurations are described in detail at page 15 for use as such a flow restriction layer. Thus, the present specification fully describes a flow restriction layer and the disposition of such a layer between the reservoir and the front panel having a front outer surface.

With respect to claim 14, Examiner asserted the term "target surface" on lines 2-3 had an unclear structural relation to the same term in claim 1. Applicants note that "target

surface" does not form a part of the claimed applicators, whereby there is no structural relation between "target surface" as recited in claims 1 and 14.

Applicants note that the term "said" was removed from claim 19, thus Examiner's assertion that there was improper antecedent basis is now moot.

In regard to claims 25, 29, and 30, Examiner asserted the multiple uses of the term "substance" had unclear structural relations to one another and made it unclear as to which substance the "said substance" in each claim was referring. Applicants note that claims 25, 29, and 30 each recite a reservoir containing a substance and therefore provide correct antecedent basis for the term "substance".

Finally, in claims 25, 29, and 30, Examiner asserted it was unclear how the multiple uses of "target surface" within each claim structurally related to one another. As noted above, "target surface" does not form a part of the claimed applicator so that there is no structural relation between "target surface" within the claims.

In view of the noted teachings throughout the present disclosure, including the figures, applicants submit that the present claims are fully described in the present specification in accordance with the requirements of 35 U.S.C. §112, first paragraph, whereby this rejection has been overcome. Reconsideration is respectfully requested.

Claims 1-6, 10-20 and 25-30 were rejected under 35 U.S.C. §§ 102(a) and (e) as being anticipated by Gruenbacher et al. U.S. Patent Nos. 6,508,602 and 6,726,386. However, as will be set forth in detail below, applicants submit that the Gruenbacher et al. patents are not proper prior art with respect to the presently claimed invention, in light of the Declaration under 37 C.F.R. § 1.132, submitted herewith.

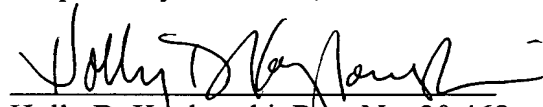
The Declaration is by the present co-inventors Dana Gruenbacher, James Davis, Thomas Manske, Jr., Kevin Fields, Piyush Zaveri, Gary Joseph, and Dean Zimmerman under 37 C.F.R. § 1.132. Initially, it is noted that the Declaration under 37 C.F.R. § 1.132 is

unsigned. The original Declaration is presently being executed by the inventors, and the signed version of the Declaration will be submitted shortly. Consideration of the unsigned Declaration until the executed Declaration is submitted is requested.

The Declaration states that they are the inventors of the present application; that they, individually or jointly, conceived or invented the subject matter disclosed in and claimed in the present application; and that the subject matter of the presently claimed invention which is disclosed in U.S. Patent Nos. 6,508,602 and 6,726,386 was derived from them. Thus, this Declaration establishes that the subject matter relied on in the Gruenbacher et al patents were the invention of the present applicants, and not "of another," and therefore overcomes any rejection based on the Gruenbacher et al patents, *In re DeBaun*, 214 U.S.P.Q. 933, 936 (CCPA 1982); MPEP § 716.10. In light of this Declaration, the Gruenbacher et al patents are no longer proper prior art references and the rejections under 35 U.S.C. §§ 102(a) and (e) have been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. §§ 102(a) and (e) and 112, first paragraph, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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